



ROY COOPER
Governor
MICHAEL S. REGAN
Secretary

TO: DEQ Files

FROM: Lyn Hardison, SEPA and Permit Assistance Coordinator
NC Division of Environmental Quality

RE: Proposed Atlantic Coast Pipeline Project

Date: April 6, 2017

Based on the contents of the Atlantic Coast Pipeline, LLC Draft Environmental Impact Statement, the N.C. Department of Environmental Quality has created a list of environmental permits that may be required for the proposed pipeline project. The project proposal has not been finalized, therefore, the permit list is not conclusive. The information below includes permit types, permitting program descriptions, average processing times, fees, contact(s), website links and fact sheets.

Division of Energy, Minerals and Land Resources

Land Disturbance: Erosion and sediment control plan approval is required for all land disturbances of one or more acres. Upon approval of the Erosion and Sediment Control Plan, the applicant will also receive coverage under the required NPDES general stormwater permit. Please note that the applicant does not have to apply separately for coverage under the NPDES general stormwater permit. The two programs have a longstanding agreement whereby upon approval of an applicant's Erosion and Sediment Control Plan, the applicant automatically receives coverage under the NPDES construction stormwater permit.

Average processing time: 30 days
Fees: \$65 per acre or part of an acre of disturbed area
Contact: Fayetteville Regional Office – [Tim LaBounty](#) – 910-433-3300
Raleigh Regional Office – [Thad Valentine](#) – 919-791-4200
Program Website: [Sedimentation Erosion Control](#)
Fact sheet: [Erosion & Control Certification Approval](#)

Construction Stormwater: Construction or land development activities of one acre or greater are subject to permit requirements under the NPDES permitting program. As noted above under land disturbance, this program is implemented in conjunction with the Erosion & Sediment Control program.
Program website: [Stormwater Program](#)

Division of Water Resources

Disturbance to waters/wetlands (dredge, fill or other impact activities): Any activity that will fill, dredge, or drain wetlands or surface waters in the state, require approval by the state and U.S. Army Corps of Engineers, in accordance with section 404 of the federal Clean Water Act. The federal 404 permit is issued by the U.S. Army Corps of Engineers, but before an applicant can receive a 404 permit, he/she must obtain a 401 Water Quality Certification from the Division of Water Resources. The 401 certification is essentially verification by the state that a given project will not degrade waters of the state or violate water quality standards. Mitigation of unavoidable impacts and inclusion of stormwater management features are two of the most important aspects of water quality review. Ditching and draining activities to alter wetlands hydrology are not permitted.

Average processing time: 60 days (general), one year (individual)
Statutory time limit: 60 days
Fees: \$570 (project fee – major)
\$240 (project fee – minor)
Contact: Fayetteville Regional Office – [Trent Allen](#) – 910-433-3300
Raleigh Regional Office – [Danny Smith](#) – 919-791-4200
Program Website: [401 & Buffer Permitting Branch](#)
Fact sheets: [Wetlands and Streams - 401 Water Quality Certification](#)
[Wetlands and Streams](#)

Riparian buffers: There are state riparian buffer protection programs in the Neuse River Basin, Tar-Pamlico River Basin, Catawba River Basin, Randleman Lake Watershed, Jordan Lake Watershed and Goose Creek Watershed. There are also [local buffer protection programs](#) being implemented across the state.

Program website: [Riparian Buffer Protection Program](#)

If impacts to vegetated 50-foot buffers within the Catawba, Neuse and Tar-Pamlico River basins or the Randleman Watershed are proposed, these activities may require written authorization or a variance from the state of North Carolina. Typical projects include road crossings and utility corridors. A stream determination may be performed in conjunction with this request.

For “allowed” activities, you apply for this permit by using the Pre-Construction Notification (PCN) Form. For prohibited activities, you apply using the appropriate Major or Minor Variance application forms. Qualifiers are described in the Buffer Rules: [Riparian Buffer & 401 Rules](#)

Processing time: Up to 60 calendar days (upon receipt of a correct and complete application package) for routine approvals and Minor Variances. Major Variances are subject to scheduling constraints associated with the Water Quality Committee of the N.C. Environmental Management Commission.
Fees: There is no charge for a Buffer Authorization; however, if the project is also linked with a 401 Certification or Isolated Wetlands Permit, the application fees for those authorizations apply.
Contact: Buffer implementation is coordinated by DWR staff in the Regional Offices:
Fayetteville Regional Office- [Trent Allen](#) – 910-433-3300
Raleigh Regional Office – [Danny Smith](#) – 919-791-4200

Withdrawal from surface or ground waters: Registrations is required if the withdrawal is:

- Greater than 100,000 GPD (non-agricultural use) and
- Greater than 1 MGD (agricultural use)

Application: Forms (and program information) are available at this [link](#)
Fees: There is a \$50 registration fee for non-agricultural water users registering for the first time. Previously registered water users updating registrations are also exempt from this fee.
Timeframe: New withdrawals must be registered within two months of the initiation of the withdrawal. Existing registrations should be updated every five years. There is now a civil penalty of up to \$100 per day for failure to register (see Session Law 2008-143, Section 1.e).
Location: Processed at the Division of Water Resources Central Office in Raleigh
Contact: [John Barr](#) – 919-707-9021
DWR Central Office – 919-707-9000
Fact Sheet: [Water Withdrawal & Transfer](#)

Groundwater Withdrawal (Well Installation): Every well in North Carolina must be constructed according to certain standards (see 15A NCAC 2C.0100s) and approved by the Division of Water Resources. To facilitate this effort, DWR developed and implements a well driller (and pump installer) certification program to ensure that well drillers in North Carolina construct wells according to state standards. Therefore,

- Every well in N.C. (independent of size and type) has to be drilled by a certified well driller and
- After every well is constructed, a GW-1 well construction standard form must be submitted to certify that the well has been properly constructed.

In addition to item above, every water supply well must meet additional DWQ-GWS regulations as outlined in 15A NCAC 2C.0107. If a well meets the Public Water Supply definition established in that section of state administrative code, please see additional requirements in 15A NCAC 18C (Division of Environmental Health – Public Water Supply). In addition, if a well meets one or more of criteria from 15A NCAC 2C.0105, then a DWR permit must be obtained.

Program website: [Well Program](#)

Avg. processing time:	5 days
Statutory time limit:	15 days
Fees:	No state fees
Contact:	Fayetteville Regional Office - Trent Allen – 910-433-3300 Raleigh Regional Office – Danny Smith – 91-791-4200

Well Construction Permit: This permit is required for the location and construction of the following water supply wells: (1) a water-well or well system with a design capacity (yield) of 100,000 gallons per day (gpd) or greater; (2) a well added to an existing system where the design capacity of the existing well system and added well will equal or exceed 100,000 gpd; and, (3) any well with a design deviation (i.e. variance) from the standards specified under 15A NCAC 02C.

Processing Time:	Permits are reviewed within 30 days or less.
Fees:	No fee
Location:	Reviews completed in DWR Regional Office
Contact:	Fayetteville Regional Office- Trent Allen – 910-433-3300 Raleigh Regional Office – Danny Smith – 91-791-4200

Division of Air Quality

Air Emissions: No owner or operator shall construct, operate, or modify a source of air pollution unless otherwise exempted, without first applying for and obtaining an air quality permit. Total emissions from the operation determines the permit class required.

[Air Quality Rules](#)

Fact sheet: [Air Construction and Operation facts](#)

Small / Synthetic Minor Air Permit: Potential to emit (PTE) must be less than 100 tons per year for each criteria pollutant and less than 10 tons per year for each individual hazardous air pollutant (HAP) and less than 25 tons per year for the sum of all HAP's. <http://daq.state.nc.us/permits/forms.shtml>

Statutory Process Time:	Varies but generally 90 days after receipt of a complete application.
Fees:	See Air Permit Fees
Contact:	Raleigh Region Permit Coordinator Charles McEachern – 919-791-4276 or Permitting Section Chief - William Willets – 919-707-8726